

STATE OF CALIFORNIA
California Energy Commission

Minutes of the July 13, 2011, Energy Commission Business Meeting.

The meeting was called to order at 10:09 by Chair Robert B. Weisenmiller. The Pledge of Allegiance was lead by Chair Weisenmiller.

Present:

Robert B. Weisenmiller, Chair
James D. Boyd, Vice Chair

Karen Douglas, Commissioner
Carla J. Peterman, Commissioner

1. CONSENT CALENDAR. (Items on the Consent Calendar will be taken up and voted on as a group. A commissioner may request that an item be moved and discussed later in the meeting.)
 - a. CITY OF BELMONT. Possible approval of the City of Belmont's locally adopted building energy standards to require greater energy efficiency than the *2008 Building Energy Efficiency Standards*. Contact: Joe Loyer.
 - b. CITY OF COTATI. Possible approval of the City of Cotati's locally adopted building energy standards to require greater energy efficiency than the *2008 Building Energy Efficiency Standards*. Contact: Joe Loyer.
 - c. CITY OF SAN MATEO. Possible approval of the City of San Mateo's locally adopted building energy standards to require greater energy efficiency than the *2008 Building Energy Efficiency Standards*. Contact: Joe Loyer.
 - d. CITY OF SANTA ROSA. Possible approval of the City of Santa Rosa's locally adopted building energy standards to require greater energy efficiency than the *2008 Building Energy Efficiency Standards*. Contact: Joe Loyer.
 - e. TOWN OF TIBURON. Possible approval of the Town of Tiburon's locally adopted building energy standards to require greater energy efficiency than the *2008 Building Energy Efficiency Standards*. Contact: Joe Loyer.
 - f. STATE WATER PROJECT CONTRACTORS AUTHORITY. Possible approval of early termination of Contract 500-08-028 by mutual agreement between the Energy Commission and the State Water Project Contractors Authority. Contact: Richard Sapudar.
 - g. ASSOCIATION OF BAY AREA GOVERNMENTS. Possible approval of Amendment #2 for Contract 400-09-021 with the Association of Bay Area Governments (ABAG). This request is for reallocation of funds among various tasks for Retrofit Bay Area, a program that promotes energy efficiency retrofits for single family and multifamily homes in several Bay Area Counties. Additionally, the amendment will give the Contractor authority to receive funding

in advance for incentive payments and other payments required at time of subcontract execution or upon receipt of deliverable or purchase. The amendment will not increase the total amount of the contract or extend the contract period. Contact: Samuel Lerman.

Vice Chair Boyd moved and Commissioner Douglas seconded approval of the Consent Calendar. The vote was unanimous. (4-0)

2. ENERGY COMMISSION COMMITTEE APPOINTMENTS. Possible approval of Energy Commissioner appointments to the Energy Commission's Standing Committees and Siting Case Committees. Contact: Kevin Barker. (5 minutes)

Item 2 was moved to the July 27 agenda.

3. PRAGMATIC BUSINESS SOLUTIONS. Possible approval of Contract 500-11-001 for \$207,880 with Pragmatic Business Solutions to provide temporary technical editing of PIER project reports and fact sheets. (PIER electricity funding.) Contact: Jamie Patterson. (5 minutes)

Vice Chair Boyd moved and Commissioner Peterman seconded approval of Item 3. The vote was unanimous. (4-0)

4. RENEWABLES PORTFOLIO STANDARD PROGRAM – ORDER INSTITUTING RULEMAKING. Possible approval of an order instituting a rulemaking proceeding to develop and adopt regulations specifying the procedures to implement RPS procurement requirements for publicly owned electric utilities under Public Utilities Code section 399.30 (SB x1 2, Simitian, Chapter 1, statutes of 2011). The rulemaking will amend the Energy Commission's existing RPS eligibility guidelines to address changes in the law as a result of Senate Bill x1 2. Contact: Angela Gould. (5 minutes)

Commissioner Peterman moved and Vice Chair Boyd seconded approval of Item 4. The vote was unanimous. (4-0)

5. GUIDELINES FOR SOLAR ELECTRIC INCENTIVE PROGRAMS. Possible approval of proposed revisions to the *Guidelines for California's Solar Electric Incentive Programs*. These guidelines establish eligibility criteria, conditions for incentives, and equipment rating standards for all ratepayer-funded solar electric incentive programs in California. The proposed guideline revisions are limited in nature, and clarify and revise the accuracy requirements for inverter-integrated performance meters. Contact: Patrick Saxton. (5 minutes)

Vice Chair Boyd moved and Commissioner Peterman seconded approval of Item 5. The vote was unanimous. (4-0)

6. **MARIPOSA ENERGY PROJECT** (Docket No. 09-AFC-3). Possible decision on a Petition for Reconsideration filed by Rob Simpson regarding the Energy Commission's May 18, 2011 decision to approve the Application for Certification of the Mariposa Energy Project. The petition asks the Commission to reconsider and revoke the written decision of May 18, 2011 on several grounds. Contact: Renée Webster-Hawkins. (20 minutes)

Item 6 was consolidated with Item 7.

7. **MARIPOSA ENERGY PROJECT** (Docket No. 09-AFC-3). Possible decision on a Petition for Reconsideration filed by Robert Sarvey regarding the Energy Commission's May 18, 2011 decision to approve the Application for Certification of the Mariposa Energy Project. The petition asks the Commission to reconsider and correct the written decision of May 18, 2011 on several grounds. Contact: Renée Webster-Hawkins. (20 minutes)

Commissioner Douglas moved adoption of the Order prepared by the Chief Counsel's Office pertaining to Item 6 and Item 7. Vice Chair Boyd seconded the motion. The vote was unanimous. (4-0)

8. **Minutes:**

- a. Possible approval of the June 15, 2011, Business Meeting Minutes.

Vice Chair Boyd moved and Commissioner Peterman seconded approval of the June 15 Minutes. The vote was unanimous. (4-0)

- b. Possible approval of the June 29, 2011, Business Meeting Minutes.

Vice Chair Boyd moved and Commissioner Douglas seconded approval of the June 29 Minutes. The vote was unanimous. (4-0)

- c. Possible approval of the June 30, 2011, Business Meeting Minutes.

Vice Chair Boyd moved and Commissioner Peterman seconded approval of the June 30 Minutes. The vote was unanimous. (4-0)

9. **Commission Committee Presentations and Discussion:**

Commissioner Peterman reported on the Storage Week Conference in San Diego and gave an update on the suspension of the Emerging Renewables Program.

Vice Chair Boyd reported on the CCEEB Annual Summer Issues Conference.

Chair Weisenmiller reported on his meeting with Katherina Reiche of the German Ministry for Environment, Nature Conservation and Nuclear Safety.

10. **Chief Counsel's Report:** Chief Counsel Michael Levy requested a closed session pursuant to Government Code Section 11126(e) to discuss Item 10 d. (*BNSF Railway Company v. US Department of Interior, California Energy Commission* (U.S. District Court Central District of California-Riverside, CV 10-10057 SVW (PJWx)) and 10f. (*Sierra Club v. California Energy Commission* (San Francisco County Superior Court, Case No: TBD, filed June 24, 2011)); an adjudicatory matter to which the Energy

Commission is a party – *Communities for a Better Environment, Robert Sarvey v. CPUC and the Energy Commission*; and two matters based on existing facts and circumstances that constitute a significant exposure to litigation against the Commission.

11. **Executive Director's Report:** None.
12. **Public Adviser's Report:** None.
13. **Public Comment:** None.
14. **Internal Organization and Policy.** None.

Appearances: Mr. Robert Sarvey, Intervenor
Ms. April Rose Somer, representing Mr. Robert Simpson
Mr. Rajeesh Dighe, Mountain House
Mr. Greg Wheatland, Ellison Schneider & Harris LLP
Mr. Chris Curry, Diamond Generating Group

There being no further business, the meeting was adjourned to closed session.

Respectfully submitted,

HARRIET KALLEMEYN
Secretary to the Commission